

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover SheetWestmoreland County

For Prothonotary Use Only:

Docket No:

1785 of 2020

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons
☐ Transfer from Another Jurisdiction

- ☐ Petition
☐ Declaration of Taking

Lead Plaintiff's Name:

Lova J. Yeagers

Lead Defendant's Name:

Target Corporation

Are money damages requested? ☐ Yes ☒ NoDollar Amount Requested: ☐ within arbitration limits
(check one) ☒ outside arbitration limitsIs this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ NoName of Plaintiff/Appellant's Attorney: Jeffrey D. Monzo☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☒ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute:
 Discrimination
☐ Employment Dispute: Other

☐ Other:
 _____**REAL PROPERTY**

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

Exhibit

A

Updated 1/1/2011

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY PENNSYLVANIA
CIVIL

WESTMORELAND COUNTY CIVIL COVER SHEET

Lova J. Yeagers

Judge:

Hathaway
1785 of 2020

Case No.

Counsel: Jeffrey D. Monzo

Plaintiff(s)

Representing: Plaintiff

vs.

Pa. I.D. No. : 66518

Target Corporation

Firm: QuatriniRafferty

Address: 550 East Pittsburgh Street
Greensburg, PA 15601

Defendant(s)

Phone No. (724) 837-0080

Fax No. (724) 837-1348

E-mail jdm@qrlegal.com

PLEASE ANSWER THE FOLLOWING:

- | | | | |
|----|--|------------------------------|--|
| 1. | Is the Amount In Controversy Less Than \$30,000? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. | Does This Case Involve Discovery of Electronically Stored Information? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. | Does This Case Involve a Construction Project? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

ENTRY OF APPEARANCE

TO THE PROTHONOTARY: Please enter my appearance on behalf of the Plaintiff/Petitioner/ Appellant. Papers may be served at the address set forth above.

Signature:

[Handwritten Signature]

Date:

4/27/20

Original – Prothonotary

Copies - Judge and Opposing Counsel

Revised 5/26/2010

IN THE COURT OF COMMON PLEAS
OF WESTMORELAND COUNTY, PENNSYLVANIA

CIVIL ACTION — LAW

LOVA J. YEARGERS,

Plaintiff,

vs.

TARGET CORPORATION,

Defendant.

CERTIFICATE OF COMPLIANCE

I verify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



Jeffrey D. Monzo, Esquire

Attorney(s) for Plaintiff

No. 1785 of 2020

JURY TRIAL DEMANDED

DATE FILED:

TYPE OF PLEADING FILED:

Complaint in Civil Action

FILED ON BEHALF OF:

Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

Jeffrey D. Monzo, Esquire
PA I.D. #66518

QuatriniRafferty, P.C.
550 E. Pittsburgh Street
Greensburg, PA 15601
(724) 837-0080

CHRISTINA O'BRIEN
PROTHONOTARY

2020 APR 30 PM 12:54

FILED
PROTHONOTARY'S OFFICE
WESTMORELAND COUNTY

**IN THE COURT OF COMMON PLEAS
OF WESTMORELAND COUNTY, PENNSYLVANIA**

CIVIL ACTION — LAW

LOVA J. YEARGERS,

Plaintiff,

vs.

TARGET CORPORATION,

Defendant.

No. 1785 of 2020

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
WESTMORELAND BAR ASSOCIATION
P.O. BOX 565
GREENSBURG, PA 15601
(724) 834-8490
<http://lrs.westbar.org>

**IN THE COURT OF COMMON PLEAS
OF WESTMORELAND COUNTY, PENNSYLVANIA**

CIVIL ACTION — LAW

LOVA J. YEARGERS,

Plaintiff,

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TARGET CORPORATION,

Defendant.

No. 1785 of 2020

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiff, LOVA J. YEARGERS, by and through her attorneys, Jeffrey D. Monzo, Esquire, and the law firm of QuatriniRafferty, and files the following Complaint in Civil Action, and in support thereof avers as follows:

1. Plaintiff, Lova J. Yeagers, is an adult individual who resides at 109 Greenock Drive, Greensburg, Westmoreland County, Pennsylvania 15601.
2. Defendant, Target Corporation, is a foreign corporation conducting business in the Commonwealth of Pennsylvania at 6206 State Street #30, Hempfield Township, Westmoreland County, Pennsylvania 15601.
3. Defendant Target regularly conducts business within the Commonwealth of Pennsylvania and, particularly, in Greensburg, Hempfield Township, Pennsylvania.
4. At all times material hereto, Defendant Target owned, operated, controlled, and maintained the Target store at 6206 State Street #30, Hempfield Township, Westmoreland County, Pennsylvania 15601, (hereinafter referred to as "premises") which was open to the general public for shopping and other retail business.

5. At all times material hereto, Defendant Target was acting by and through its agents and/or employees who were acting within the course and scope of their agency or employment with Defendant Target.

6. On or about 1:45 p.m. on May 16, 2018, Plaintiff was lawfully on the premises as a business visitor and invitee.

7. At or about the aforesaid date, time, and place, Plaintiff was lawfully and carefully walking through an aisle on the premises when she was struck in the right leg by a red distribution cart stacked high with items of Defendant Target, which was being pushed by an employee (team member) of Defendant Target, causing the serious injuries and damages sustained to her as more fully set forth herein.

8. The Plaintiff's injuries and damages were caused solely and proximately by the negligence of Defendant Target, directly and through the acts and omissions of its agents, servants, representatives, and employees, generally, and more particularly as follows:

- a. In failing to provide a safe premises for its business invitees, and in particular, Plaintiff;
- b. In allowing an overloaded distribution cart to be operated on the premises when it knew or, in the exercise of reasonable care, should have known that business invitees, including the Plaintiff, regularly traversed the area to shop on the premises;
- c. In failing to warn the Plaintiff and other business invitees of the dangerous condition of the aisle on the premises caused by the overloaded distribution cart being operated by an employee;
- d. In failing to inspect the premises for such dangerous conditions;
- e. In failing to properly instruct and supervise its agents, servants, representatives, and employees in the proper operation and care of items, such as distribution carts, on the premises open to business invitees and others lawfully on the premises, including Plaintiff; and
- f. In failing to properly train and instruct its agents, servants, representatives, and employees to identify or otherwise warn business invitees and others lawfully on the premises, including Plaintiff, of the presence of overloaded distribution carts being operated by their employees.

9. Solely as a result of the negligence of the Defendant Target as set forth above, the Plaintiff has been caused to suffer the following injuries:

- a. Injuries and trauma to the bones, muscles, ligaments, tendons, and other tissues of her right leg and lower extremity;
- b. Tear to a tendon of her right ankle;
- c. Trauma edema;
- d. Residual weakness and loss of range of motion and use of her right ankle and lower extremity; and
- e. Shock and attendant nervous disorder.

10. As a result of the negligence of the Defendant Target, as aforesaid, Plaintiff has been caused to suffer the following damages:

- a. Pain, suffering, and inconvenience;
- b. Diminution or lessening of life's pleasures;
- c. She has in the past and will in the future be required to expend large sums of money for her medical and other treatment in an effort to restore herself to her former condition of good health;
- d. A loss of earning capacity and/or impairment of her future earning capacity;
- e. A loss of earnings; and
- f. Mental anguish and embarrassment.

WHEREFORE, Plaintiff, Lova J. Yeagers, demands judgment against the Defendant in an amount in excess of the jurisdictional limit for arbitration of this Honorable Court, exclusive of costs and interest. requests this Honorable Court to dismiss Defendant's New Matter, with costs on said Defendant.

Respectfully submitted,
QuatriniRafferty

By: 

Jeffrey D. Monzo
Attorney for Plaintiff

VERIFICATION

The undersigned, having read the foregoing Complaint verifies that the averments are based on information furnished to counsel and/or upon information which has been gathered by counsel in the course of this lawsuit. The language of the pleading is that of counsel and not of signer. Signer verifies that he has read the foregoing and that it is true and correct to the best of his knowledge, information and belief. To the extent that the contents of the foregoing documents are that of counsel, signer has relied upon counsel in making this verification. This verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: 4/17/2020


Lova J. Yeagers